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OFFICE OF PETITIONS

In re Application of
DeCristofaro et al.
Application No. 09/506,533
Filed: February 17, 2000
Attorney Docket No.: PROTEO.P07
For: AMORPHOUS METAL STATOR FOR A
RADIAL-FLUX ELECTRIC MOTOR

:
:
: Corrected
: Letter Regarding
: Extension of Patent Term
:
:

The above-identified application has been forwarded to the undersigned for review and correction of the patent term extension information printed on the Notice of Allowance. The Notice of Allowance and Issue fee due mailed on April 8, 2005, erroneously indicated that the patent to issue from the application is eligible for a 456 day extension, when no extension is due. See 35 U.S.C. 154(b)¹ and 37 CFR 1.701.

Issue of the above-identified application was delayed due to appellate proceedings before the Board of Appeals and Interferences, and the above-identified application has been allowed pursuant to a favorable decision by the Board.

The above-identified application was filed on February 17, 2000. While the above-identified application was filed after June 7, 1995, and was allowed pursuant to a reversal by the Board of Appeals and Interferences, since there is a terminal disclaimer due to the issue of another patent claiming subject matter that is not patentably distinct from that under appellate review, the patent which issues from the application is NOT entitled to an extension of the patent term.

¹35 U.S.C. § 154 was amended by the "American Inventors Protection Act of 1999," which was enacted on November 29, 1999 as part of Public Law 106-113 (Consolidated Appropriations Act for Fiscal Year 2000). Since this amendment is effective May 29, 2000 and applies to applications filed on or after that date, the prior patent term adjustment provisions of 35 U.S.C. § 154 continue to apply to the above-identified application.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Telephone inquiries with regard to this communication should be directed the undersigned at
(571) 272-7709.

A handwritten signature in black ink, appearing to read 'Mark O. Polutta', with a long horizontal stroke extending to the right.

Mark O. Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy